



Chairman Ajit Pai  
Commissioner Brendan Carr  
Commissioner Michael O’Rielly  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

November 14, 2018  
VIA ELECTRONIC FILING

**RE: Opposition to FCC Cable Franchise Fee Deductions Proposed Rule,  
MB Docket No. 05-311, In the Matter of Implementation of Section 621(a) of the  
Cable Communications Policy Act of 1984 as amended by the Cable Television  
Consumer Protection and Competition Act of 1992**

Honorable Chairman Pai and Commissioners Carr, O’Rielly and Rosenworcel:

The City of Wilsonville submits this comment to express our municipality’s strong opposition to the second notice of proposed rulemaking (NPRM) that would re-define “franchise fee” to the detriment of local franchising authorities (LFAs). As one of Oregon’s fastest growing cities with a current population over 24,000 that includes a substantial portion of new residents, the Wilsonville City Council strongly believes in citizen engagement and transparency in government operations.

Local franchising authorities, including the City of Wilsonville, negotiate the unique terms of local franchise agreements with cable operators that are based across the U.S. Cable operators routinely pay a franchise fee to an LFA for use of the right-of-way to deliver cable services within a local franchise area. The City of Wilsonville has negotiated with cable operators that provide services in the City’s franchise area. The cable operators each pay to the City a “franchise fee” which is used to support both Public-Education-Government (PEG) services and general government services, *e.g.*, street maintenance, fire, police, parks.

The City of Wilsonville maintains an active channel that provides educational programming and broadcasts meetings of the City Council and Planning Commission on a regular basis. The City contracts with the nonprofit organization Willamette Falls Media Center (WFMC) for channel management and cable broadcasting services, as well as special remote access videography.

The City also partners with the West Linn-Wilsonville School District to provide PEG-funded video, editing and cable broadcasting equipment for educating students and producing local

community-oriented programming. The City has assisted with the partnership of the School District with WFMC by providing relatively expensive video equipment that would otherwise be unobtainable by the School District.

The loss of PEG funding would devastate WFMC's ability to remain a valuable service to the citizens residing within Clackamas County, potentially forcing closure of the operation. This would be an enormous disservice to our community. WFMC's ability to keep the operations center technically relevant depends solely on the PEG funds that the City receives. As a small community media center, WFMC has always focused on ways to utilize PEG funds that complement other PEG facilities in our area, as all of our PEG centers partner to support each segment of our community. WFMC has always tried to avoid an overlap in equipment and services and instead work in tandem with various cities to allow the funds to stretch as far as possible, giving the larger community the greatest benefits.

Potential cancellation of the City's franchise-fee funded PEG support would mean that the citizens of Wilsonville and other cities in Clackamas County stand to lose the government transparency that they deserve and currently enjoy, which is provided by WFMC. Many citizens in the areas served by WFMC are not able to attend all of their local-government meetings. Being able to easily watch them on their cable channels keeps residents connected and informed of the issues that directly affect them, as well as, gives them a way to stay involved with their government, an important objective at all levels of government. Denying the citizens access to this services would be a detriment to their ability to remain active participants with their government and therefore harmful to democracy.

In the most recent election, WFMC produced 21 free PSA's and forums, for both local candidates and non-profit organizations. As our local elected officials are volunteers, they are not able to utilize mainstream media to share information because of the cost involved. Without these forums and PSAs, our citizens would have been at a major disadvantage in learning about the candidates and the issues at hand.

WFMC's public channel space provides citizens, nonprofits, community services, schools, and other community entities an equal opportunity to share their information and community services. These are the organizations that support, at risk students, low-income families and homeless populations — essentially the most vulnerable members of our society. These underfunded community services are not able to afford the costs associated with mainstream commercial media, which puts them at a disadvantage and limits their reach into the public. WFMC gives a voice and outlet to those nonprofit community services. WFMC bridges that connection to the citizens they serve by providing a non-partisan, non-commercial way that directly connects them to people they need to reach. Unlike all other cable channels, Facebook Live, and YouTube, the programming on WFMC managed cable channels is 100% locally produced and not commercially controlled. Although the Internet is an open source of

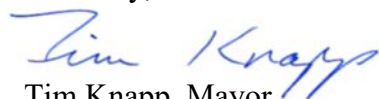
information and provides a far reaching outlet, public access stations serve as a primary means of free speech for local communities. The loss of PEG funding would negate this valuable asset and outlet for connecting community members with each other and with their local government.

WFMC's PEG facility also supports community social services and resources above and beyond media training and channel support. WFMC partners with local governments like the West Linn-Wilsonville School District and private programs to provide job-skills training for residents entering or re-entering the workforce and with colleges, high schools and tech schools to provide internships for students. The City of Wilsonville partners with WFMC to provide outreach for events and activities that support the growth and connectivity within our community. These services, along with so many other community-focused programs and projects are made possible through the use of PEG resources. If they were to disappear, so would the equality and inclusivity those funds have supported within our communities.

The City of Wilsonville values PEG-funded equipment that enables educational and community programming, and the City has relied for decades on the statutory definition of "franchise fees" when negotiating with cable operators for franchise fees and in-kind services that cable operators would pay the City in exchange for the use of the public right-of-way to provide cable services. The Commission's proposed re-definition of "franchise fee" would have a severe negative impact of the City of Wilsonville. The City is strongly opposed to the proposal because it would preempt local government authority and significantly reduce the franchise fees that were negotiated between the City and cable operators.

The City of Wilsonville respectfully requests that the FCC reject the proposed rules entirely.

Sincerely,



Tim Knapp, Mayor  
City of Wilsonville

TK/mo

cc: Wilsonville City Council  
City Manager Bryan Cosgrove  
City Attorney Barbara Jacobson,  
Clackamas County Board of Commissioners  
Willamette Falls Media Center  
West Linn-Wilsonville School District Board  
Senator Ron Wyden  
Senator Jeff Merkley  
Congressman Kurt Schrader  
Congresswoman Suzanne Bonamici